

memorandum

DATE: November 24, 1999

REPLY TO

ATTN OF: Office of Environmental Policy and Assistance (EH-41):Bascietto:6-7917

SUBJECT: **EPA Draft ComprehensiveFive-Year Review Guidance**

TO: Distribution

PURPOSE OF THIS MEMO To announce of the availability of the U.S. Environmental Protection Agency's (EPA) **draft** "*ComprehensiveFive-Year Review Guidance*" (OSWER Directive 9355.7-03B-PPB99-963214, October, 1999), and to invite DOE participation on a focus group to review and comment on same.

BACKDROP EPA has issued a draft of its "ComprehensiveFive-Year Review Guidance" to a number of offices within the Department of Energy and other Federal agencies. EPA has asked that comments be submitted by December 21, 1999. EH-413 has requested a 30-day extension of this deadline, until January 21, 2000.

DISCUSSION The Department considers this to be a major guidance with the potential to affect implementation of response actions already selected in CERCLA Records of Decision. Because of the potential significance of the guidance, EH-41 is soliciting select Headquarters and Field organizations' participation on a focus group to review the guidance and to provide a consolidated Departmental response to EPA. Persons interested in participating on a focus group to review and comment on the guidance are invited to participate in a **conference call on 12-2-99 at 1:00 p.m.** Eastern Standard Time. The call-in number is (202) 287-1380. The conference call will establish the group, discuss initial reactions/potential issues and set time lines for submission of comments .

ACCESS The subject guidance is available for viewing/downloading on the EH-41 World Wide Website at: <http://www.eh.doe.gov/oepa/guidance/cercla/d5yrguid.pdf>

CONTACTS Questions concerning the focus group or other the information contained herein may be directed to John Bascietto or Richard Dailey of my staff by:

- Calling at (202) 586-7917 and 7117, respectively
 - Faxing messages to (202) 586-3915, or
 - Communicating electronically, via Internet, to john.bascietto@eh.doe.gov and richard.dailey@eh.doe.gov.
-



Thomas T. Traceski
Director, RCRA/CERCLA Division
Office of Environmental Policy and Assistance



Department of Energy
Washington, DC 20585

NOV 23 1999

Carol Bass
U.S. Environmental Protection Agency
Office of Emergency and Remedial Response
401 M Street SW
Washington, DC 20460

Dear Ms. Bass:

The U.S. Department of Energy (DOE) is pleased to receive the U.S. Environmental Protection Agency (EPA) draft guidance document, "Comprehensive Five-Year *Review Guidance*" (OSWER Directive 9355.7-03B-PPB99-963214 Draft, October 1999). You have requested the Department to review this document by December 21, 1999, for the purpose of providing comment which EPA will use to revise and finalize the draft.

The Department considers this document to be a major guidance for sites undergoing cleanup pursuant to the Comprehensive Response Compensation and Liability Act, and the Resource Conservation and Recovery Act. Therefore, I am requesting that the deadline for interagency comments be extended by one month, until January 21, 2000. The reason for this request is that the document appears to contain several provisions which could form the basis for necessitating major changes to previously selected remedies. For example, the document suggests that new human health and/or ecological risk assessments might have to be performed for a five-year review, and new standards might have to be imposed in order to ensure that remedies are protective of human health and the environment. Should more stringent response standards be imposed as result of either contingency, it is likely that project resources would be impacted. In addition, the document discusses how EPA regional staff might evaluate institutional and land use controls to determine protectiveness. These are the types of controls that DOE expects to implement at certain of our environmental restoration sites, and is concerned with how these might be evaluated under this guidance after they are implemented.

Because of the apparently significant potential for this guidance to affect the implementation of DOE remedies and potential future costs, the Department needs additional time to carefully examine these provisions. A careful examination of the draft guidance will enable us to provide better and more comprehensive comments to EPA.

Regarding our request for an extension, if you have any questions or need further information, please contact Thomas Traceski or John Bascietto of my staff at (202) 586-2481 and 7917, respectively. You may also e-mail them at thomas.traceski@eh.doe.gov and john.bascietto@eh.doe.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Berube", is positioned above the printed name "Raymond P. Berube".

Raymond P. Berube
Deputy Assistant Secretary
for Environment
Office of Environment, Safety and Health

DISTRIBUTION:

Program Offices

Steve Livingstone, EM-24
Jim Antizzo, EM-37
Bill Wisenbaker, EM-43
Sally Robison, EM-44
Martha Crosland, EM-75

Field Offices

W.J. Arthur, Albuquerque Operations
Office
George Rael, Albuquerque Operations
Office
Deborah Couchman-Griswold,
Albuquerque Operations Office
Gail Penny, Brookhaven Group
A. Taboas, Chicago Operations Office
Kathleen Hain, Idaho Operations Office
Steve Mellington, Nevada Operations Office
Rodney Nelson, Oak Ridge Operations Office
Jim Davis, Oakland Operations Office
Roger Liddle, Oakland Operations Office
Cynthia Anderson, Savannah River
Operations Office
Brian Hennessey, Savannah River
Operations Office
Rick Holten, Richland Operations Office
Arthur Kleinrate, Miamisburg
Environmental Management Project